

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEBRASKA**

**HANNAH SABATA, et al.,**

**Plaintiffs,**

**v.**

**NEBRASKA DEPARTMENT OF  
CORRECTIONAL SERVICES, et al.,**

**Defendants.**

**Case No. 4:17-cv-03107-RFR-MDN**

**CLASS ACTION**

**DECLARATION OF  
DYLAN CARDEILHAC IN SUPPORT OF  
PLAINTIFFS' MOTION FOR CLASS  
CERTIFICATION**

I, Dylan Cardeilhac, declare as follows:

1. I am a party in the above-entitled action. I have personal knowledge of the matters set forth herein, and if called as a witness, I could and would competently so testify. I make this declaration in support of Plaintiffs' Motion for Class Certification.
2. I have been a prisoner incarcerated in Nebraska Department of Correctional Services (NDCS) facilities since 2014. I am currently incarcerated in Tecumseh State Correctional Institution (TSCI). In the past I have been held at the Diagnostic & Evaluation Center (DEC) and Nebraska Youth Correctional Facility (NCYF). In the future I may be transferred to other NDCS facilities including the Lincoln Correctional Center (LCC).
3. NDCS controls every aspect of whether I can access medical, mental health, dental, or disability related services. I can't get any services without their help or approval.
4. I participated in an inmate orientation when I arrived at DEC. I do not recall receiving any information or training related to how I was supposed to access services, such as medical, dental, mental health, or disability-related care. I do not recall receiving any information or training about how to use the grievance process, though I recall they gave me a rulebook. The only information I've been given on how to access any type of service is the verbal instruction,

“File a kite” and “Read the rulebook.”

5. When I first arrived at DEC for intake, I believe I went through an extremely brief medical screening and dental exam but I don’t recall anyone explaining the way to access services for medical, dental and mental health needs.

6. The only instruction I have been given about accessing medical care is to “File a kite.” I have submitted kites for medical care. For example, last week I was feeling sick, having trouble breathing, and was experiencing a severe nose bleed. I filed an emergency kite asking to be seen by medical on Saturday, January 26, 2019, but I wasn’t taken to medical until Tuesday, January 29, 2019. When I got to medical, I waited in a holding cell for four and a half hours before I was actually seen by medical. The only medical care I received was the advice to buy nasal spray from the canteen. I don’t always have money on my books to buy over the counter medications from the canteen.

7. On one occasion, I required emergency medical care when I attempted to kill myself while in solitary confinement at NCYF. A corrections officer (CO) looked into my cell, saw what I was doing, and called for medical staff to stop the bleeding. I was then transported to DEC to be put in five-point restraints instead of being given further mental health care.

8. I worry about confidentiality when I submit medical kites. I have heard COs sharing information about other prisoners’ private medical business after reading their kites. For example, I heard them teasing a prisoner who requested help for his genital sores. I still go ahead and attempt to use the kite system, though, because I don’t know any other way to try to obtain the medical care I need.

9. I have had medications discontinued without being able to see a doctor in the past. For example, when I was on mental health medications and in solitary at NCYF I decided to refuse one dose. They cut me off the prescription entirely, and it affected me badly: I had trouble

sleeping, had increased mood swings, and got into more trouble after acting out. It took a week before I was seen by mental health and put back on the prescription.

10. When I first arrived at DEC for intake, I do not recall anyone asking me questions about my mental health or behavioral health history or current symptoms.

11. The only instruction I have been given about accessing mental health care is to “File a kite.” I have submitted kites and made verbal requests for mental health care, but it’s rare to ever get a response unless I threaten suicide to get their attention. In the past at NCYF and here at TSCI, I have asked to see mental health staff, been ignored, and had to finally say “I’m going to hang myself” in order to get mental health staff to visit me.

12. I have been told by mental health staff at TSCI that they just are too short on staff to see me regularly. I’ve been told “There are only six of us working with a thousand inmates here, so we just can’t see you more often.” When I was at NCYF, there was no mental health staff on the weekends, so if you had a crisis any time Friday night, Saturday, or Sunday, COs could phone mental health to ask for their suggestion, but you would have to wait until Monday to be seen in person by mental health.

13. I have been on suicide watch so many times, I’ve lost count, perhaps as many as forty times. I’ve been on suicide watch at NCYF, DEC, and TSCI. I have asked to be transferred to the secure mental health housing unit at LCC, but I was told I “Didn’t fit the criteria.” I don’t know what criteria I am lacking but I remain hopeful I will be transferred to LCC to get additional mental health care there.

14. I have been placed in isolation in solitary confinement repeatedly during my incarceration: I estimate of my five years in prison, I have spent three and a half in solitary so far. During the time that I was in solitary, I was only allowed to exercise outside one hour a day, five days a week. There was no programming in solitary. Initially when I arrived, I was not allowed a

television, though eventually I was provided with one as a reward for good behavior. There was no radio at NCYF for prisoners in solitary. There is a radio built into the wall of the solitary cells at TSCI that receives four channels. At TSCI in solitary, I was allowed one phone call a week with my family. I was never allowed video or in-person visitation while in solitary at TSCI, though I did have an in-person family visit while in solitary at NCYF. Mental health care in solitary at NCYF and TSCI both only happened briefly at cell front. Occasionally at TSCI when I was in solitary, I was removed from my cell to visit with mental health staff in a small room with glass between us, but due to the fact I can hear everything being said immediately outside of the room, I still believe these were not confidential meetings since any CO or other prisoner passing by could have heard what we were discussing.

15. The conditions in solitary confinement at NCYF and TSCI are terrible, and you can get stuck there forever with no path to get back out. Being in solitary makes you crazy and makes you want to kill yourself. I would find myself becoming intensely angry. Sometimes, I would sleep too much and other times, I couldn't fall asleep at all. Being isolated away from everyone made all of my existing mental health problems worse, and I believe they should change how they use solitary so no one else kills themselves to escape the conditions.

16. I have gone on one hunger strike during my incarceration, approximately one and a half years ago when I was in solitary confinement. For two days, I refused trays and no one said or did anything. On the third day, they put me in the skilled nursing facility and said I wasn't going to be allowed to leave until I began eating again. I don't recall mental health visiting me. COs kept talking to me about food, which is why I finally gave in and began eating again on the third day.

17. When I first arrived at DEC for intake, I believe I had a brief dental exam that only lasted a couple of minutes but I don't recall anyone explaining the way to access services for future dental needs beyond being told "File a kite."

18. I was unaware that I was entitled to a dental examination once a year until my attorneys told me. I do not recall when my last dental examination was, but it was over a year ago. The last time I requested dental care, I was in solitary at NCYF. I was experiencing pain that turned out to be my wisdom teeth coming in. I waited several months before I was actually seen. When I finally was seen, they had to schedule me for surgery to remove two teeth. Shortly afterwards, the remaining two teeth needed to be removed as well and there was a delay in getting that surgery as well.

19. I do not recall anyone ever instructing me on the parole process or how to prepare for a parole hearing, either at intake or prior to a hearing.

20. I have been in front of the parole board once, but my case manager and unit manager actively tried to discourage me from attending. They told me there was no point because I'd never get parole anyway. I was in solitary at NCYF at the time, and I just wanted any excuse to get out of my cell, so I insisted on attending the hearing. I didn't understand what happened at the hearing; no one from the parole board explained anything to me. The entire hearing only took about three minutes. One man on the board told me, "If you don't want to get out of prison, then keep doing what you're doing. We'll see you in ten years." I don't know what they do want me to do, and I don't know what they expect of me.

21. I agreed to be a named plaintiff in this case because I would like to represent other prisoners who have had problems similar to what I have experienced while in NDCS custody. I want to get the rules and policies changed to fix things here for everyone, not just for me but for all prisoners, including the quality of medical care, mental health care and dental care. I have been cooperating fully with my counsel and am responding to all requests for information to the best of my ability and recollection and will continue to do so in the future. My lawyers keep me updated on the progress of this case, and I will review materials provided to me and provide my input to the

best of my ability and recollection and will continue to do so in the future. My lawyers keep me updated on the progress of this case, and I will review all materials provided to me and provide my input to the best of my ability. When I have questions about the case, I will ask the attorneys for help to understand everything to the best of my ability.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this declaration was executed on February 13, 2019, at Tecumseh, Nebraska.

  
Dylan Cardeilhac